

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

FILED

MAR 31 2021 DB

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN.

ANDY L. ALLMAN
Petitioner

vs.

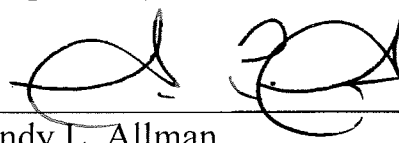
SONNY WEATHERFORD,
SHERIFF OF SUMNER
COUNTY, TN, and
HERBERT H. SLATERY, III,
TENNESSEE STATE
ATTORNEY GENERAL
Respondents

)
)
) Docket No.
) From the Tennessee Court of Criminal
) Appeals No. M2021-00196-CCA-R8-CO
) Sumner County Criminal Court Cases:
) No. 2017-CR-548
) No. 2017-CR-875
) No. 2020-CR-133
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NOTICE OF FILING

Comes now the Petitioner and hereby gives notice of the filing in the United States District Court
Middle District of Tennessee, the transcripts of In-Court Proceedings of October 5, 2020 in the
Criminal Court for Sumner County, TN.

Respectfully submitted,



Andy L. Allman

Defendant

117 W. Smith Street
Gallatin, TN 37066

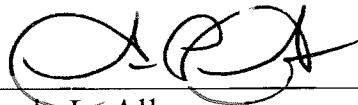
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice of Filing, has been served via U.S.

Mail on the 31st Day of March 2021 addressed to:

Sonny Weatherford
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Andy L. Allman

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IN THE CRIMINAL COURT FOR SUMNER COUNTY, TENNESSEE
AT GALLATIN

STATE OF TENNESSEE)	
)	
vs.)	NO. CR875-2017
)	CR548-2017
)	
ANDY LAMAR ALLMAN)	

TRANSCRIPT OF PROCEEDINGS
Monday, October 5, 2020

THE HONORABLE DEE DAVID GAY PRESIDING

LORI C. BICE, LCR
Criminal Justice Center
117 W. Smith Street
Gallatin, Tennessee 37066
(615) 414-8993

A P P E A R A N C E S:

FOR THE STATE:

Thomas Boone Dean
Assistant District Attorney General
Office of the District Attorney General
113 West Main Street, Third Floor
Gallatin, Tennessee 37066

C. Ronald Blanton
Assistant District Attorney General
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113 West Main Street, Third Floor
Gallatin, Tennessee 37066

FOR THE DEFENDANT:

Gary D. Copas
Attorney at Law
P.O. Box 190137
Nashville, Tennessee 37219

1 (The aforementioned cause came on to
2 be heard on Monday, October 5, 2020, before the
3 Honorable Dee David Gay, Judge, when the following
4 proceedings were had, to-wit:)

5 THE COURT: Let's get Mr. Allman out.
6 All right. If we could take the cuffs off, please.

7 Okay. Let the record reflect that
8 this is State of Tennessee vs. Andy Allman,
9 Case No. 548-2017 and 875-2017. Before the Court
10 today is a motion for hybrid representation and
11 furloughs, and recently filed was a motion to
12 withdraw.

13 The Court is a little concerned about,
14 number one, the timing here. We've got eight weeks
15 until we go through this trial with much -- with
16 many witnesses, a lot of documentation, and so
17 forth, and as I told Mr. Allman and Mr. Copas, I'm
18 concerned that we've had three attorneys --
19 different attorneys involved, Mr. Pellegrin,
20 Mr. Little, Mr. Copas.

21 I'm also concerned about the length of
22 these cases. We've consolidated two indictments.
23 One was -- one case was arraigned on 8/25/17,
24 three years ago, and then the second one was
25 arraigned 12/15/17, almost three years ago, and then

1 we had a new indictment 3/27/20. Now, the first two
2 indictments were consolidated. This last indictment
3 has not been consolidated. There have been no
4 motions about that. And one thing I don't think I
5 mentioned to Mr. Copas or Mr. Allman, but are we
6 going to have another jury trial here following
7 these cases.

8 Let the record reflect that I've spent
9 almost two hours with Mr. Copas and Mr. Allman ex
10 parte going over matters that do not need to be made
11 public, getting their take on these motions.
12 Exhibits were introduced, we had a court reporter,
13 and I have ordered a transcript of that proceeding,
14 and everything will be kept under seal.

15 And I will be honest, based on what I
16 have heard from Mr. Allman and Mr. Copas in
17 discussing these matters, I'm not so much concerned
18 about the problem of competing theories between the
19 two, but I'm concerned about allegations that could
20 be made regarding postconviction relief that could
21 taint any convictions. Now, this encompasses the
22 Sixth Amendment right of the defendant and it's
23 brought some concerns to my attention that I was not
24 aware of, and that's as far as I will go on this
25 particular -- on my comments here based on what I've

1 heard.

2 So I've spent two hours with the
3 defense here about their motions. I want to give
4 the State of Tennessee every opportunity to let me
5 hear your position on the motion of hybrid
6 representation and furloughs and a motion to
7 withdraw. Whoever wants to address me, I'll be glad
8 to hear your argument or your position.

9 GENERAL BLANTON: Your Honor, as it
10 pertains to the issue of hybrid representation, the
11 leading case is -- as pointed out in the motion is
12 State vs. Franklin, and quite frankly, Your Honor,
13 in that particular case, it was an extraordinary
14 set of circumstances. In fact, that's the first
15 statement out of the Supreme Court's memo is -- or
16 their opinion on this case is it was an
17 extraordinary case and should be looked at very
18 carefully.

19 That case sets out factors that a
20 court must determine in order for there to be a
' 21 hybrid representation, 'and they are 'set out, Your '
22 Honor -- I'm trying to get the exact page number.
23 The cite of the case is 714 S.W.2d 252, and it --

24 THE COURT: I've got it, General.
25 I've got it.

1 GENERAL BLANTON: It goes on to say
2 that the defendant is not seeking to disrupt the
3 trial; the defendant has the intelligence, ability,
4 and general confidence to participate in his own
5 defense, but the trial court must also ensure -- and
6 those are the two factors to start with. And the
7 Court added the following: that this court must
8 ensure that the circumstances are so exceptional to
9 the just- -- to justify the defendant's request,
10 which circumstances must be made to appear on the
11 record; the defendant has the opportunity to confer
12 with counsel out of the presence of the jury prior
13 to his participation; that, out of the presence of
14 the jury, the defendant is instructed that he may
15 not state facts not in evidence; that the defendant
16 and the jury are instructed that the defendant is
17 acting as his own counsel and that the defendant is
18 not giving any evidence or testimony. Even where
19 these factors could be present, the trial court may
20 nevertheless decline to permit a hybrid
21 representation.

22 So it's not an absolute right. It's
23 up to the Court to determine these matters.

24 And they go on to say that they
25 believe that only rarely will circumstances justify

1 the exercise of this discretion. The defendant has
2 no absolute right to hybrid representation.

3 And in this case, Your Honor, the
4 State takes the position that there is no absolute
5 right, there is no reason for hybrid representation,
6 just doesn't see any of the factors that are
7 involved here that are necessitated for hybrid
8 representation.

9 As to the request for a furlough, Your
10 Honor, this Court gave an extraordinary furlough to
11 Mr. Allman, ten days that he was given outside the
12 jail to go through the files and discovery and to
13 meet with his attorney and to prepare his
14 representation. That's not afforded to everybody.
15 In fact, I've not been a part of a case where that
16 has been allowed.

17 And, again, Your Honor, I think that
18 was an extraordinary situation that the Court
19 allowed that, and therefore the State would say that
20 we would be opposed to that. He's had ample
21 opportunity. These are his cases. He should know
22 what was done and what wasn't done. They're his
23 finances. They're his bank records. He should know
24 what there is and what there isn't, and he's had
25 over three years to talk to any variety of different

1 attorneys about this, and so we would be opposed to
2 any furlough.

3 THE COURT: Okay. Mr. Copas, you may
4 wrap it up here. Anything you would like to say?

5 MR. COPAS: May it please the Court,
6 we did meet in chambers and everything is under seal
7 that was discussed there. I don't want to repeat
8 anything that was stated in chambers, but the Court
9 heard my position at that time.

10 THE COURT: Yes, sir.

11 MR. COPAS: And there's no need for me
12 to reiterate that --

13 THE COURT: Okay.

14 MR. COPAS: -- and I'm going to leave
15 it at that, Your Honor.

16 THE COURT: Okay. Thank you.

17 General Blanton kind of set out the
18 law here on Franklin, and I also noted that in
19 Franklin -- I couldn't tell from Burkhart, but in
20 this particular case, Franklin, we're talking about
21 an appointed attorney, and here we have an attorney
22 that's been retained. I don't know if that makes
23 any difference at all, but that is one thing here
24 and we've got some contractual obligations that
25 exist and have existed that furnish some background

1 to what I'm thinking about.

2 But the first thing that I want to
3 talk about is judicial determination that the
4 defendant is not seeking to disrupt orderly trial
5 procedure. I spent a couple of hours with Mr. Copas
6 and Mr. Allman here, and I can tell you one thing, I
7 have expressed my concern to them about a defendant
8 representing himself at a trial, especially of this
9 nature where there are aspects to where an advocate
10 might go over the line of representation when you're
11 talking about representing yourself or putting forth
12 your own defense. I will state that based on what
13 we have discussed back there, that was not a
14 concern.

15 The concern seemed to be getting this
16 case tried, getting this case tried and getting it
17 in a position to where the Sixth Amendment can be
18 complied with and that the defendant is provided a
19 defense and due process. I will have to state that
20 I changed my mindset a little bit going from the
21 former to the latter, and there is a great concern
22 with me right now, after talking with the parties of
23 Mr. Allman and Mr. Copas, about the looming
24 possibility of postconviction relief.

25 I find that the defendant here, and

1 the record will represent that in the transcript,
2 was not seeking to disrupt orderly trial procedure.
3 He's just trying to get due process and have his day
4 in court.

5 Secondly, that the defendant has the
6 intelligence, ability, and general competence to
7 participate in his own defense. He's indicated to
8 me that he has 20 years of experience in federal
9 court, and I mentioned to him that none of that was
10 criminal defense work, but the rebuttal to that was
11 that he was dealing with constitutional issues,
12 bringing matters before the court, and that is
13 probably a lot more than any defendant that you
14 could possibly get in these particular
15 circumstances.

16 I will hold Mr. Allman to the
17 requirements of an attorney, and I will not hesitate
18 to jump on him if that limit -- if that line is
19 addressed and I have to deal with it in front of the
20 jury like I've had to do so often in many jury
21 trials, I'll send the jury out and deal with any
22 particular issues where I feel the defendant steps
23 over the line and is not proceeding as a trial
24 should proceed and avoid any personal opinion or
25 right to be correct as opposed to following the

1 rules of trial, rules of evidence, the rules of
2 criminal procedure.

3 And I will state after hearing the
4 discussion between Mr. Allman and Mr. Copas, this
5 Court has never been involved in anything like this
6 before, and I'm comfortable that the record that's
7 been produced from two hours and the evidence that
8 was introduced will show that the defendant is not
9 seeking to disrupt an orderly trial procedure, that
10 he has the intelligence, ability, and competence to
11 participate in his own defense. I will hold fast to
12 the principle that when he argues in his own behalf,
13 he will be limited to fair comment on the evidence.
14 He may not use argument as a guise for an unsworn
15 statement.

16 The public and the State need to know
17 that this is -- there is also a great concern by
18 this Court to get this case tried. There are
19 numerous people that have been involved in lawsuits
20 and involved as victims in this case who also want
21 their day in court, and I do not want to do anything
22 that is going to obstruct the trial date that we
23 have in eight weeks. Three years, three attorneys
24 is sufficient enough to move on.

25 I will grant the motion for hybrid

1 representation. I have made you aware, Mr. Allman,
2 that when you cross that line, I'm going to be on
3 it, and if I have to, I'll send the jury out. And
4 there could be a situation where if it keeps on
5 going and it disrupts the orderly trial proceedings,
6 that I'll prohibit you from representing yourself in
7 hybrid representation.

8 Now -- and, Mr. Copas, if you will do
9 that order.

10 For now I'm going to deny the motion
11 to withdraw after I've heard and spent two hours
12 with Mr. Allman and Mr. Copas.

13 Now, addressing the furlough issue,
14 Generals, I've been advised the defense needs a full
15 set of the accounts of Pinnacle Bank, TBS, and
16 possibly other banking institutions. Do we have
17 that? If we don't, how long is it going to take to
18 get it?

19 GENERAL DEAN: Judge, it's been my
20 understanding that everything has been provided.
21 Many of the things that have been around for years
22 have been provided more than once.

23 THE COURT: I understand, but we're
24 talking about not just the accounts -- or the
25 information that you want as part of the proof but a

1 full set of the accounts involving Mr. Allman and
2 various banks.

3 GENERAL DEAN: Meaning from the first
4 time he opened the account until when the account
5 ended?

6 THE COURT: Yes.

7 GENERAL DEAN: I would have to talk to
8 the banks. I believe we've got three or four banks
9 involved. My recollection is he would leave one
10 bank, go to another, leave one bank, go to another,
11 and I believe two of those then we should have
12 everything because it was during this time period,
13 but I'd have to check, Judge. That's the first time
14 I've heard of any request --

15 THE COURT: Right.

16 GENERAL DEAN: -- to do this.

17 THE COURT: And this was part of the
18 process that I was going through at the very end to
19 find out what is necessary to proceed with this
20 trial. So, General, if you'll discuss that with
21 Mr. Copas.

22 MR. COPAS: May it please the Court,
23 one of those articles that he requested -- the
24 defendant requested was the records of the
25 bookkeeper, not the bank.

1 THE COURT: Yes.

2 MR. COPAS: So that's very important.

3 That is important, not only --

4 THE COURT: I need the records --

5 MR. COPAS: I don't have anything like
6 that received.

7 THE COURT: The records of the
8 bookkeeper, all the records of the bookkeeper,
9 everything.

10 GENERAL DEAN: Judge, are we talking
11 about the bookkeeper for Allman & Associates?

12 THE COURT: Yes.

13 GENERAL DEAN: Judge, whatever we have
14 from Allman & Associates has been provided and the
15 servers were returned to them. So they've got all
16 of their stuff that I'm aware of.

17 THE COURT: Okay. This is my order.

18 Mr. Allman, everything that you think
19 that you need, you discuss with Mr. Copas.

20 Mr. Copas, you discuss with General
21 Dean, and we will come back into court --

22 MR. ALLMAN: Judge, if I may, Your
23 Honor, I had already made a list and I've
24 cross-referenced the list with the TBI inventory --

25 THE COURT: Okay.

1 MR. ALLMAN: -- and I'm prepared to
2 give that to the State so that we can go through
3 that item by item.

4 THE COURT: Okay. If you'll give that
5 to the State and let's come back --

6 MR. ALLMAN: And, Judge, I did want to
7 clear the record up.

8 THE COURT: Yeah, we'll come back in a
9 minute.

10 MR. ALLMAN: Okay.

11 THE COURT: Okay. Let's have that
12 taken care of and we'll report back on November 2,
13 8:30 in the morning to see where we stand with those
14 requests.

15 Now, that should get everybody in line
16 with exhibits, documents, evidence to prepare for
17 trial, and I will see what -- any issues that come
18 up at 8:30, November 2.

19 And, General Dean, did you have
20 something you wanted to say?

21 GENERAL DEAN: I do, Judge. Let me
22 make sure I understand this correctly. Everything
23 we have as far as bank records has been provided,
24 sometimes more than once. What I'm now
25 understanding is that Mr. Allman would like bank

1 records that the State does not have. So you're
2 asking --

3 THE COURT: General, I'm not going to
4 -- if you don't have it, I'm not going to order it,
5 okay?

6 GENERAL DEAN: Okay. So I'm not --

7 THE COURT: So if you don't have it,
8 I'm not going to order it. I just want to go
9 through this list before trial and knock it off.

10 GENERAL DEAN: Yes, sir.

11 THE COURT: You know, I can't hold you
12 accountable for anything that you don't have.
13 That's something they've got to obtain.

14 GENERAL DEAN: Yes, sir. Thank you.

15 THE COURT: Okay. Now, Mr. Allman, is
16 there something that you wanted to say here?

17 MR. ALLMAN: Judge, a couple of
18 things. One, we want to discuss the furloughs to --

19 THE COURT: Yeah, I'm going to get to
20 that in a minute.

21 MR. ALLMAN: Okay.

22 THE COURT: I haven't gotten there
23 yet.

24 MR. ALLMAN: Well, as I had mentioned,
25 in reading back through the transcripts, there were

1 some statements about how I had been through so many
2 attorneys because of a toxic relationship I had with
3 the attorneys. The two previous attorneys,
4 Mr. Pellegrin, he had agreed to appear for free
5 until I could secure counsel for the Sumner County
6 cases. He was never retained, and he and I had
7 agreed that he would not be my attorney throughout
8 the trial. He was just going to appear for the
9 arraignment. And then he had also been working, I
10 believe, with General Dean so that I could
11 voluntarily surrender myself if I were indicted, and
12 that was it. Mr. Pellegrin will testify that he and
13 I never had any toxicity in our relationship
14 whatsoever.

15 THE COURT: Okay.

16 MR. ALLMAN: With Mr. Little, I read
17 that in the transcript, and I got concerned. When I
18 hired Mr. Little, our agreement was that he would
19 handle Sumner County, Davidson County, and the Board
20 matters for \$100,000, and so I signed a note with
21 him. 'When I had paid him roughly' \$80,000, he wanted
22 another \$75,000, and I spent several months trying
23 to raise that money and I just could not do it. And
24 Mr. Little said that, well, if you can't pay that,
25 I'm going to have to withdraw, and so I kept trying

1 and I kept saying to Mr. Little, I can't raise that
2 kind of money. I'm sorry. I just can't do it. And
3 he filed the motion to withdraw.

4 THE COURT: Okay.

5 MR. ALLMAN: I have text messages, and
6 I have a recording, if Your Honor needs it, that I
7 could file under seal that will substantiate every
8 word I just said.

9 THE COURT: No. That's fine.

10 MR. ALLMAN: So the toxicity was
11 basically he wanted \$75,000 more. I couldn't raise
12 that.

13 THE COURT: Okay. Mr. Allman, thank
14 you, sir.

15 MR. ALLMAN: Sure.

16 THE COURT: Now, let's talk about
17 furloughs. Refresh my memory. Didn't I give one
18 week of a furlough here?

19 MR. ALLMAN: I got ten days. I got --

20 GENERAL BLANTON: It was two weeks,
21 Judge.

22 THE COURT: Two weeks?

23 MR. ALLMAN: Five days each.

24 THE COURT: Okay.

25 GENERAL BLANTON: From 8:00 o'clock

1 in the morning on Monday until 6:00 P.M. on Friday,
2 two separate weeks back-to-back.

3 MR. ALLMAN: I think it was 9:00.

4 THE COURT: Okay. Well, it doesn't
5 matter.

6 MR. ALLMAN: Yeah.

7 THE COURT: Mr. Allman, I'm going to
8 give you one more week, and you can let me know when
9 you want. I think the week would be more
10 advantageous to you if you did it sooner rather than
11 later.

12 MR. ALLMAN: It would, Your Honor, and
13 I would respectfully say that one five-day week --
14 there's no way I can get all this done in one
15 five-day week.

16 GENERAL BLANTON: And, Judge, I would
17 like to be heard on that as well.

18 THE COURT: Go ahead, General.

19 GENERAL BLANTON: We've got a jail
20 full of people who can't make bond or had their bond
21 revoked who would love to have a furlough for
22 preparation for their trial, and if this is going to
23 be a habit, I'm afraid --

24 THE COURT: No, sir. It's not going
25 to be a habit. I'm just looking at the case,

1 General, and I haven't ever had a case like this
2 before me that requires what I've had to go through
3 today along with all the evidence that's supposed to
4 be out there. It's definitely not going to be a
5 habit, but I don't want to try this case twice.

6 GENERAL BLANTON: I understand, Judge,
7 but Mr. Allman has been a part of it and he's had
8 this information for the last three years. I don't
9 understand why all of a sudden we need these weeks
10 to prepare. He's had three years.

11 THE COURT: Mr. Allman, do you want to
12 tell us what the pressing need is?

13 MR. ALLMAN: Well, Judge, at this
14 point I'm now taking on a new role. Not only am I
15 just a defendant, but now I'm going to be actively
16 participating in the trial. So I'll actually be
17 preparing as a lawyer for a trial.

18 Now, Mr. Blanton, the General, talks
19 about other individuals who are back in the jail and
20 they don't -- they can't make bond, but they're not
21 participating in their cases as a lawyer.

22 Now, Your Honor -- and I know Your
23 Honor has tried hundreds and hundreds of cases and
24 Your Honor realizes the size, the complexity, the
25 volume of financial records and witnesses that we're

1 dealing with. We've got potentially 50 witnesses
2 that Mr. Copas and I have to prepare for. There's
3 no way I can do that in one week. There's --

4 THE COURT: Well, the problem is, like
5 the General says, you know, we've had three years,
6 and I'm doing the best I can to take what's before
7 me and not -- the case now is not on your shoulders
8 -- or your shoulders alone. I will be glad to give
9 you one week, and that's all I can give you, so that
10 you can get those things that you need and bring
11 them to the jail, or we'll make whatever
12 arrangements are necessary at the jail. But, golly,
13 I could move all my stuff in my house and my
14 brother's house and his children's house in one
15 week. So pick the week that you want, Mr. Allman.

16 Let's see, we've got -- what have we
17 got? We've got the 12th of October, we've got the
18 19th of October, we've got the 26th of October,
19 the 2nd of November, the 9th of November, and the
20 16th and the 23rd. The 23rd you're getting into the
21 'holidays there. So I would suggest either the first
22 three weeks -- one of the first three weeks or one
23 of the last three weeks of this month.

24 MR. ALLMAN: Judge, I would choose
25 October the 26th.

1 THE COURT: Very good.

2 MR. ALLMAN: I would respectfully
3 request that on November the 2nd that you hear my
4 request for an additional five days before the
5 trial. Just to have an open mind is all I'm asking,
6 Your Honor.

7 THE COURT: I'll be glad to have an
8 open mind. I'm not inclined to grant it, but I will
9 check with everybody here, and we'll come back on
10 November 2nd, 8:30 in the morning not only to review
11 documents that might be needed and to hear any
12 additional request for more time.

13 Mr. Copas, if you will make an order
14 covering everything that we have discussed.

15 I have been talking to Ms. Strong
16 today about the jury trial, and I think probably
17 what we're going to do, we're going to bring in 40
18 jurors at 9:00 o'clock and then another 40 jurors at
19 11:00 o'clock, just depending on how it goes. The
20 COVID cases that we've had, we've had three jury
'21 trials in -- I think it was in July, 'and we didn't'
22 have any issues at all. We'll just have to see how
23 that goes.

24 Do we anticipate motions now?
25 Motions? Mr. Copas?

1 MR. COPAS: Your Honor, I will file
2 motions -- in limine motions. I've been in the
3 process of trying to get that done and that's very
4 critical in my theory of --

5 THE COURT: Sure.

6 MR. COPAS: -- a defense in this case.

7 THE COURT: General Dean, what about
8 motions from the State?

9 GENERAL DEAN: Judge, I've thought of
10 maybe one.

11 GENERAL BLANTON: There may be another
12 404(b) motion filed, Judge.

13 THE COURT: Okay. What we'll do then
14 is you-all file these motions as soon as possible.
15 I will not be able to take up the motions the way it
16 exists now on the 2nd, but I'll find another day to
17 docket those motions and make you aware in advance
18 of the trial.

19 MR. COPAS: Your Honor, I want to make
20 sure I can define this. Statements that Mr. Allman
21 can make during the trial, it can be -- only can be
22 arguments on the admitted evidence?

23 THE COURT: Yes, sir.

24 MR. COPAS: Anything other than that
25 cannot be heard?

1 THE COURT: Nothing. Yeah, nothing
2 that's not in evidence can be referred to. You
3 can't talk about your personal opinions, you can't
4 talk about things that you did outside the scope of
5 the evidence.

6 You know, I don't know if you're going
7 to testify, Mr. Allman, but that's another matter
8 that we'll have to go through. But, you know, it's
9 pretty basic there. You're an attorney and you'll
10 be held to an attorney's standards.

11 MR. ALLMAN: Yes, Your Honor.

12 MR. COPAS: He will have to give
13 testimony, Your Honor. I can't see anything to get
14 around that, so ...

15 THE COURT: That will be interesting.
16 Anything else? General.

17 GENERAL DEAN: Judge, I just wanted to
18 double-check that the furlough will be subject to
19 the same restrictions --

20 THE COURT: Yes, sir.

21 'GENERAL DEAN: '-- of the previous
22 furlough?

23 THE COURT: Yes, sir. We'll do the
24 same exact thing.

25 MR. ALLMAN: Judge, if I may speak to

1 that. I'm going to have to have some help making
2 copies of exhibits, putting notebooks together. I
3 mean, is there any way that my wife can be there to
4 assist me to get all this stuff done?

5 THE COURT: I will allow your wife to
6 assist you in any work product that you need.

7 MR. ALLMAN: Thank you, Your Honor.

8 THE COURT: Put that in the order.

9 MR. ALLMAN: And, Your Honor, I had a
10 couple of trial logistic questions.

11 THE COURT: Yes, sir.

12 MR. ALLMAN: I didn't --

13 THE COURT: If you could pull your --

14 MR. ALLMAN: I'm sorry.

15 THE COURT: It's okay.

16 MR. ALLMAN: You know, we're not
17 required to wear those in there.

18 THE COURT: I know. I know.

19 MR. ALLMAN: I didn't know if the
20 State had any guess as to when it would finish its
21 proof.

22 THE COURT: I -- you're talking about
23 50 witnesses.

24 MR. ALLMAN: Yeah.

25 THE COURT: Well, I have no idea. I

1 would say at least a week. Do y'all agree?

2 GENERAL DEAN: Oh, yes.

3 THE COURT: At least a week.

4 MR. ALLMAN: Okay. Well, that's
5 quicker than I thought, so ...

6 GENERAL BLANTON: Oh, it will be
7 longer than that.

8 MR. ALLMAN: I'm thinking two weeks.

9 GENERAL BLANTON: At the minimum it
10 will be a week, Judge.

11 THE COURT: Okay.

12 GENERAL BLANTON: I mean, we've
13 noticed at least two expert witnesses as to bank
14 records and that type of stuff. So I would
15 anticipate the experts' cross-examination will be a
16 while as well as will the State's proof regarding
17 those, in addition to all the bank personnel, the
18 witnesses that will be testifying as well. It very
19 well will go into the second week. I can't see any
20 way possible --

21 THE COURT: I'd say a week at the
22 least. And I don't know how many witnesses the
23 defense will have, but you compute that into the
24 length.

25 Next question.

1 MR. ALLMAN: And then under 24(f), is
2 Your Honor a single or separate entity jury
3 selection for alternates?

4 THE COURT: What we do is I pick,
5 alternate jurors -- is that what you're talking
6 about?

7 MR. ALLMAN: Yes, Your Honor.

8 THE COURT: I pick alternate jurors as
9 alternates, the old fashioned way.

10 MR. ALLMAN: So separately?

11 THE COURT: Separately.

12 MR. ALLMAN: All right. And then when
13 would we might be able to get the jury information,
14 list of prospective jurors?

15 THE COURT: Hold on just a second. We
16 have a list of prospective jurors after they're
17 impaneled.

18 And, Ms. Paige, when would that be if
19 we're trying this case -- when we're trying it?
20 When would the list of jurors be available?

21 GENERAL BLANTON: Judge, it's usually
22 the Monday before the end of the month which would
23 be the Monday before we start trial.

24 THE COURT: Hold on. I think these
25 people will probably be impaneled for November.

1 GENERAL BLANTON: I would think they
2 would be December because they start November 30th
3 and go through December the --

4 THE CLERK: I would think, Judge, that
5 this might be December's jury.

6 THE COURT: That'll be fine. And, you
7 know, I could be wrong. I'll tell you --

8 THE CLERK: That is something I can
9 find out by 11/2.

10 THE COURT: Okay. Yeah, if it's
11 available on the second of November, we'll have it.
12 Otherwise I'll let you know by the 2nd.

13 MR. ALLMAN: Okay. And I've given the
14 General the list of the missing documents.

15 THE COURT: Okay. Good.

16 MR. ALLMAN: I understand -- so the
17 voir dire panel -- I see the blue tape. So I'm
18 assuming the voir dire panel is going to be back
19 here?

20 THE COURT: The voir dire panel will
21 probably cover the entire courtroom, and what we'll
22 do is when we are ready, I'm going to have voir dire
23 probably -- what I've been doing is we'll cover a
24 lot of the questions and we'll eliminate some for
25 cause and then we'll bring up -- I'm going to bring

1 up 15. So we'll do it 15 at a time.

2 MR. ALLMAN: Now, will the jury still
3 be in the jury box for the trial?

4 THE COURT: Do you mean for -- what do
5 you mean "for the trial"?

6 MR. ALLMAN: Well, for the actual
7 trial. Not for voir dire, but when the trial
8 actually starts --

9 THE COURT: Do you see the way the
10 seats are arranged now? You've got some out front,
11 you've got one on the side and one over here and
12 you'll have two on the front row. The seats that
13 are marked with blue tape will be where jurors sit
14 and then we'll have one on the side. You have four
15 out front and two over here and two back there --
16 three back there, because we'll have 15 -- we'll
17 have 15.

18 MR. ALLMAN: Okay. And then, Your
19 Honor, I was going to talk to the State to see if we
20 could stipulate to court pleadings and
21 administrative agency documents that obviously have
22 the seal from the administrative agency, just
23 stipulate to those as being authentic.

24 THE COURT: Whatever y'all work out --

25 MR. COPAS: Your Honor, I'm --

1 GENERAL BLANTON: It was -- there's a
2 reciprocal discovery out there. We haven't gotten
3 anything in discovery from the defense. So if
4 there's something out there that they plan to
5 introduce from the discovery, it's about time that
6 they get it to us.

7 THE COURT: Yeah. I'm going to order
8 that reciprocal discovery --

9 Mr. Copas, if you will put this in the
10 order.

11 MR. COPAS: Your Honor, I'm not going
12 to stipulate to anything before --

13 THE COURT: I understand. I'm going
14 to order reciprocal discovery here by October 20th.

15 MR. ALLMAN: And, Your Honor, I'm
16 solely talking about documents that are on the
17 network server of which the State has a copy.

18 THE COURT: Sure. That's just
19 something for you-all to talk about.

20 MR. ALLMAN: Okay.

21 THE COURT: 'I would think,' Mr. Allman, '
22 that these matters would be better accomplished
23 through Mr. Copas rather than you, the defendant,
24 directly talking to the district attorney.

25 MR. ALLMAN: Right.

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THE COURT: Anything else? All right.
That will be the order of the Court.

MR. COPAS: Thank you, Your Honor.

MR. ALLMAN: Thank you, Your Honor.

THE COURT: Yes, sir.

END OF REQUESTED TRANSCRIPT OF PROCEEDINGS

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REPORTER'S CERTIFICATE

I, Lori C. Bice, Licensed Court Reporter
for the State of Tennessee, hereby certify that I
reported the foregoing proceedings at the time and
place set forth in the caption thereof; that the
proceedings were stenographically reported by me;
and that the foregoing proceedings constitute a true
and correct transcript of said proceedings to the
best of my ability.

I FURTHER CERTIFY that I am not related to
any of the parties named herein, nor their counsel,
and have no interest, financial or otherwise, in the
outcome or events of this action.

IN WITNESS WHEREOF, I have hereunto
affixed my official signature this 22nd day of
February, 2021.

LORI C. BICE, LCR
STATE OF TENNESSEE
LCR No. 036, Expires 6/30/2022